

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

ROLAND VAUGHAN, an Individual,  
Plaintiff,

v.

COUNTY OF LOS ANGELES, a  
Public Entity; and DOES 1-50,  
Inclusive,

Defendants.

Case No. 2:19-cv-00336-R-SKx

**FIRST AMENDED COMPLAINT**

I.  
**INTRODUCTION**

1. This is a case about broken promises. Defendants COUNTY OF LOS ANGELES and Sheriff's Deputies and Personnel, Defendants ANTHONY J. LASCANO (#531103<sup>1</sup>), JI Y. YU (#470249), CHRIS Y. LEE (#623671), ROBERT SAKO (#636469), and DOE DEFENDANTS 1-3 and 26-50, acting with deliberate indifference, broke their promise under the United States and California Constitutions to protect Plaintiff, Roland Vaughan, from harm while he was housed as a pretrial

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<sup>1</sup> The numbers refer to the individual Defendant's employee number with the County of Los Angeles.

1 detainee at Men's Central Jail. As a result, he was savagely beaten by other inmates  
2 on September 30, 2017.

3       2. Further, said Defendants broke another promise when they refused to  
4 summon medical aid for Plaintiff in the days following the assault, resulting in the  
5 development of necrotizing fasciitis in Plaintiff's right arm, ultimately requiring the  
6 removal of his skin from his elbow to his knuckles, and the grafting of skin from his  
7 thigh.

8       3.     Worse yet—Defendants broke these promises owed under the  
9 Constitution to a man who, in Plaintiff, is a decorated combat veteran, who fought  
10 and nearly died for this Country and the guarantees the Constitution is meant to  
11 provide.

12       4. As a result, Plaintiff has been badly injured, and permanently disfigured,  
13 and now by this Complaint seeks compensation to remedy the violations herein  
14 alleged.

## II. PARTIES

16       5. Plaintiff is Roland Vaughan (“PLAINTIFF”). He is a resident of the  
17 County of Los Angeles. Plaintiff served his Country as an infantryman with the Army  
18 Rangers from 2005 to 2010. He fought in Iraq and Afghanistan in the Global War on  
19 Terror. He was nearly killed during his combat service when an IED near him  
20 exploded. For his service and sacrifice Plaintiff received the Army Commendation  
21 Medal, the Purple Heart, Army Good Conduct Medal, National Defense Service  
22 Medal, Afghanistan Campaign Medal with Two Campaign Stars, Global War on  
23 Terrorism Service Medal, Iraq Campaign Medal with Combat Star, Army Service  
24 Ribbon, and the Combat Infantryman Badge. After being honorably discharged from  
25 the US Army, Plaintiff attained a college degree and went to work as a photographer  
26 and videographer for the Combat Wounded Veterans Challenge. Plaintiff is currently  
27 housed in the California Dept. of Corrections and Rehabilitation at Sierra

1 Conservation Center in Jamestown, California, and is expected to be released in the  
 2 end of 2019.

3       6. Defendant, the County of Los Angeles (“COUNTY”), is a public entity  
 4 for the purposes of this action and in said capacity is responsible for and administers  
 5 the COUNTY Sheriff’s Department (“LASD”), which in turn promulgates policies  
 6 and practices for the housing, custody, care, safe keeping, medical care and protection  
 7 of inmates in the COUNTY Detention Facilities including Men’s Central Jail  
 8 (“MCJ”). COUNTY, through its component departments, and Jim McDonnell as  
 9 Sheriff of the COUNTY, runs, operates, oversees, administers, supervises, and is  
 10 otherwise responsible for the conduct of LASD in COUNTY facilities, including both  
 11 the acts and omissions of LASD and other detention facility workers, including but  
 12 not limited to custody staff and medical personnel. At all times COUNTY possessed  
 13 the power and authority to adopt policies and prescribe rules, regulations and practices  
 14 affecting all facets of the training, supervision, control, employment, assignment and  
 15 removal of individual members of the LASD, including those individuals charged  
 16 with protecting the health and safety of inmates at COUNTY Detention facilities,  
 17 including PLAINTIFF and to assure that said actions, policies, rules, regulations,  
 18 practices and procedures of the LASD and its employees and agents comply with the  
 19 laws and constitutions of the United States and of the State of California.

20       7. DOES 1 through 3 are and were LASD officials and supervisors during  
 21 all relevant times herein, and at all times possessed the power and the authority and  
 22 were charged by law with the responsibility to enact policies and to prescribe rules  
 23 and practices concerning the operation of the COUNTY Detention facilities,  
 24 including MCJ, and concerning the means by which the life, health and safety of  
 25 inmates were to be secured, the manner in which complaints regarding an inmate’s  
 26 health and safety were to be evaluated and acted upon, and what safeguards were in  
 27 place to treat and/or care for inmates with medical conditions.

28       8. At all times relevant herein, Defendants ANTHONY J. LASCANO

1 (#531103<sup>2</sup>), JI Y. YU (#470249), CHRIS Y. LEE (#623671), and ROBERT SAKO  
 2 (#636469) were and are deputies and peace officers, agents or employees of  
 3 Defendant COUNTY and LASD and were at all times relevant to this action acting in  
 4 the course and scope of their employment and agency. They were actively engaged in  
 5 employment at MCJ located at 441 Bauchet Street, Los Angeles, California 90012,  
 6 during the time period of September 30, 2017, through October 10, 2017, and in this  
 7 capacity were empowered to act under the color of law to assure for Plaintiff's safety  
 8 and well-being during his incarceration. Upon information and belief, Defendants  
 9 ANTHONY J. LASCANO (#531103), JI Y. YU (#470249), CHRIS Y. LEE  
 10 (#623671), and ROBERT SAKO (#636469), and each of them, reside in the County  
 11 of Los Angeles or within this Court's judicial district.

12       9. At all times relevant hereto, DOE DEFENDANTS 26 through 50 were  
 13 and are LASD personnel, nurses, pill call employees, and/or medical professionals  
 14 employed, hired, and/or retained by the COUNTY to respond to medical needs of  
 15 inmates and summon and/or administer medical treatment to inmates at MCJ, and said  
 16 Defendants were at all times relevant to this action acting in the course and scope of  
 17 their employment and agency during the time period of September 30, 2017, through  
 18 October 10, 2017. Said Defendants were empowered to act under the color of law to  
 19 respond to reports, complaints and requests for treatment and safe housing from  
 20 Plaintiff, including complaints and requests for treatment of health conditions.

21       10. At all times relevant hereto, Defendants DOES 1 through 3 were the  
 22 chief policy makers for COUNTY and the LASD relative to MCJ as alleged herein,  
 23 were employed by COUNTY defendant as administrators, police officers, sheriffs, or  
 24 in other capacities as yet undetermined and in doing the acts alleged acted within the  
 25 course and scope of their employment under color of law.  
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27       2 The numbers refer to the individual Defendant's employee number with the County  
 28 of Los Angeles.

1       11. All defendants named herein committed the above alleged acts while  
2 acting within the scope and course of their employment under color of law.

3       12. At all times mentioned herein, defendant Los Angeles COUNTY,  
4 through the LASD was charged with the supervision, management, control, operation  
5 and administration of LASD, including the responsibility for the control, supervision,  
6 training, employment, assignment and removal of police officers at LASD and at MCJ  
7 where the acts alleged took place.

8        13. At all times relevant to this case, and as regards all acts and omissions  
9 relevant to this case, Defendants and each of them, were agents, servants, and  
10 employees of their co-defendants and in doing the things alleged were acting within  
11 the scope of their authority as agents, servants and employees and with the permission,  
12 consent, ratification and condonation of their co-defendants.

13       14. Plaintiff is ignorant of the true names and capacities of defendants sued  
14 herein as DOES 1 through 3 and 26 through 50, inclusive. Plaintiff will amend this  
15 complaint to allege their true names and capacities when ascertained or when this  
16 Court permits said amendment.

17       15. Plaintiff is informed and believes and thereon alleges that each said  
18 fictitiously named defendant is responsible in some manner for the occurrences herein  
19 alleged and that Plaintiff's injuries and damages as herein alleged were proximately  
20 caused by the negligence, deliberate indifference and/or reckless or intentional  
21 wrongful and tortious conduct of such defendants.

### **JURISDICTION & VENUE**

16. This action is brought pursuant 42 U.S.C. §§ 1983 and 1988, and the  
17 Fourteenth Amendment of the United States Constitution, as well as under California  
18 law as to Plaintiff's causes of action in tort.

17. The Court has personal jurisdiction over the Defendants in this case  
because they are residents of and/or doing business in the State of California, County

1 of Los Angeles.

2       18. As a Court of general jurisdiction, this Court has subject matter  
3 jurisdiction over Plaintiff's claims arising under Federal and California law.

4       19. Venue is proper in this Court because all parties to this action reside  
5 within the County of Los Angeles, and the acts and omissions giving rise to Plaintiff's  
6 claims took place within the jurisdictional boundaries of this Court.

7       20. This is an unlimited civil case as defined in California Code of Civil  
8 Procedure §§ 85, et seq.

9    **IV.**  
10    **FACTS COMMON TO ALL CAUSES OF ACTION**

11       21. On February 5, 2017, Plaintiff was arrested in Antelope Valley, County  
12 of Los Angeles, after he was involved in a motor vehicle accident. Plaintiff was  
13 driving home with his fiancée while intoxicated. As he took a left turn onto a side  
14 street toward his home, a motorcycle approaching in the oncoming lane struck his  
15 right front quarter panel. The motorcyclist died as a result of the crash. Plaintiff was  
16 booked and initially charged with Murder.

17       22. Plaintiff was transferred to MCJ while awaiting trial.

18       23. During Plaintiff's booking he was given a medical evaluation. Aside  
19 from the injuries he suffered from and IED blast as an infantryman in the Army,  
20 Plaintiff was healthy. Specifically, Plaintiff did not have an infection in his right arm  
21 and Plaintiff had full function of his right arm.

22       24. As a pretrial detainee at MCJ, Plaintiff's housing designation was "EBI"  
23 (Education Based Incarceration), sometimes referred to by inmates as the "Veteran's  
24 Dorm."

25       25. On September 30, 2017, Plaintiff and a small group of inmates in EBI  
26 were on the roof at MCJ for exercise.

27       26. Unbeknownst to Plaintiff at that same time, a riot broke out in the MCJ  
28 dormitory housing the SNY (Special Needs Yard) inmates. SNY inmates commonly

1 include homosexuals and other inmates requiring special classification and separation  
 2 from general population.

3       27. The rioting SNY inmates were pepper sprayed by LASD custody  
 4 deputies, who then ushered the SNY inmates to the roof where they were placed on  
 5 the other side of a partition from Plaintiff and the EBI inmates.

6       28. In total there were approximately 98 SNY inmates relocated to the roof.  
 7 Plaintiff and the EBI inmates composed a much smaller group of approximately 10-  
 8 15 inmates.

9       29. LASD custody employees, including Defendants ANTHONY J.  
 10 LASCANO (#531103), JI Y. YU (#470249), CHRIS Y. LEE (#623671), and  
 11 ROBERT SAKO (#636469)DEFENDANTS ANTHONY J. LASCANO (#531103),  
 12 JI Y. YU (#470249), CHRIS Y. LEE (#623671), AND ROBERT SAKO (#636469),  
 13 then left the roof and left the rioting SNY inmates alone and unmonitored with the  
 14 EBI inmates.

15      30. After deputies left, the SNY inmates broke through the partition and  
 16 proceeded to assault and savagely beat the EBI inmates, including Plaintiff.

17      31. Despite the fact that the assault went on for many minutes, between 10  
 18 and 20 minutes, approximately, not a single LASD deputy or custody employee,  
 19 including DEFENDANTS ANTHONY J. LASCANO (#531103), JI Y. YU  
 20 (#470249), CHRIS Y. LEE (#623671), AND ROBERT SAKO (#636469), arrived at  
 21 the roof to intervene and protect Plaintiff and the other EBI inmates.

22      32. The assault was also being recorded on MCJ's CCTV video system.  
 23 Plaintiff knows this because in the days following the assault several LASD deputies,  
 24 names currently unknown, were observed re-watching the beating, and laughing at  
 25 Plaintiff while remarking that Plaintiff "got his ass beat by a bunch of homos."

26      33. Despite the fact that video cameras were recording the assault, still, not  
 27 a single LASD deputy or custody employee, including DEFENDANTS ANTHONY  
 28 J. LASCANO (#531103), JI Y. YU (#470249), CHRIS Y. LEE (#623671), AND

1 ROBERT SAKO (#636469), arrived at the roof to intervene and protect Plaintiff and  
 2 the other EBI inmates

3       34. Plaintiff suffered injuries from the assault, including a swollen and black  
 4 left eye, several cuts and scratches on his neck, arms, and hands, swollen knots on his  
 5 head, bruised jaw and soreness throughout his body, and an abrasion to his right arm  
 6 near his elbow.

7       35. The abrasion started to become infected and severely painful.

8       36. On several occasions over the following days Plaintiff sought medical  
 9 attention for his arm, but was denied by DOE DEFENDANTS 26-50.

10      37. Plaintiff asked repeatedly to visit medical to have blood tests conducted.  
 11 Midway through the week, he was brought to medical for a blood draw. He was told  
 12 that he would only be contacted if he “had something to worry about.”

13      38. On October 4, 2017, Plaintiff was seen by a nurse because he was  
 14 concerned about getting infection from the blood that “was everywhere” during the  
 15 assault. He was sent to get an STD evaluation, but his injury to his arm was not  
 16 evaluated.

17      39. On October 7, 2017, Plaintiff specifically recalls desperately asking a  
 18 “Deputy Prado”, full name currently unknown, for a pass to medical. He was denied.

19      40. Also on October 7, 2017, Plaintiff specifically recalls asking a “Ms.  
 20 Gutierrez”, full name currently unknown, for a pass to medical. He was denied.

21      41. On October 8, Plaintiff was seen by a nurse. He complained again about  
 22 the infection in his arm. The nurse noted “severe swelling with erythema and  
 23 warmth.” She submitted a referral for Plaintiff to see urgent care.

24      42. Finally, on October 9, 2017, Plaintiff was sent to the Urgent Care Center.  
 25 He was then sent by patrol car to the hospital and admitted on October 10, 2017. At  
 26 the hospital, Plaintiff was diagnosed with necrotizing fasciitis, and told that he needed  
 27 immediate surgery, and that there was a 50% chance that he would not survive.

28      43. Doctors removed all the skin to the muscle on Plaintiff’s right arm

between his elbow and his knuckles and debrided the necrotic tissue. Surgeons then grafted skin from Plaintiff's upper thigh onto the wound. The weeks of procedures were incredibly painful. Plaintiff was discharged from the hospital on October 23, 2017.

5       44. To this day, Plaintiff suffers from permanent disfigurement of his right  
6 arm, neuropathy, pain, and lack of mobility and ability to use his right hand, tingling  
7 and numbness.

**V.**  
**COMPLIANCE WITH GOVERNMENT CLAIMS ACT**

0 45. Plaintiff submitted a government tort claim concerning the above  
allegations to COUNTY on February 28, 2018.

46. Plaintiff received a denial on April 16, 2018.

## **FIRST CAUSE OF ACTION**

**VIOLATION OF CIVIL RIGHTS – 42 U.S.C. § 1983**  
**DEFENDANTS ANTHONY J. LASCANO (#531103), JI Y. YU (#470249),  
CHRIS Y. LEE (#623671), ROBERT SAKO (#636469), AND DOE  
DEFENDANTS 1-3, 26-50**

7       47. PLAINTIFF incorporates all the foregoing paragraphs herein by this  
8 reference.

19       48. This cause of action arises under United States Code Title 42, Section  
20 1983, wherein PLAINTIFF seeks to redress a deprivation under color of law of a right,  
21 privilege, or immunity secured him by the Fourteenth Amendment to the United  
22 States Constitution and under the laws of the Constitution of the State of California.  
23 Additionally, by reason of all the foregoing and following allegations, Plaintiff was  
24 required to retain counsel to institute and prosecute this action and to render legal  
25 assistance and advice that he may properly vindicate the loss and impairment of his  
26 rights, Plaintiff requests and is entitled to a reasonable sum of attorney's fees pursuant  
27 to 42 U.S.C. Section 1988.

28 || 49. On or before September 30, 2017, there existed within the LASD: (1) an

1 administrative manual; (2) a written compilation of policies and procedures; and (3)  
 2 orally conveyed department policies, regarding the issues of the safety, health and  
 3 welfare of inmates at MCJ, including but not limited to issues regarding: (1) the  
 4 classification of inmates to avoid mingling violent and non-violent offenders; (2) the  
 5 duties regarding monitoring of violent inmates; (3) the separation of inmates to avoid  
 6 mingling violent and non-violent factions of inmates; (4) the prevention of inmate on  
 7 inmate violence; and (4) the provision of medical services to obviously hurt, injured  
 8 and/or incapacitated inmates.

9       50. On September 30, 2017, said Defendants ANTHONY J. LASCANO  
 10 (#531103), JI Y. YU (#470249), CHRIS Y. LEE (#623671), ROBERT SAKO  
 11 (#636469), and DOE DEFENDANTS 1-3, 26-50 acting in conscious and reckless  
 12 disregard for Plaintiff's rights and in complete derogation of their responsibilities, did  
 13 under color of law, knowingly and/or intentionally engage in the following acts and  
 14 omissions among others:

- 15           a. Defendants ANTHONY J. LASCANO (#531103), JI Y. YU  
                   (#470249), CHRIS Y. LEE (#623671), and ROBERT SAKO  
                   (#636469) intentionally and with deliberate indifference to  
                   Plaintiff's life and safety placed Plaintiff, a non-violent offender,  
                   with violent inmates who said deputies knew or should have  
                   known would violently and predictably beat him; and/or
- 16           b. Defendants ANTHONY J. LASCANO (#531103), JI Y. YU  
                   (#470249), CHRIS Y. LEE (#623671), and ROBERT SAKO  
                   (#636469) intentionally and with deliberate indifference to  
                   Plaintiff's life and safety placed a large group of approximately 98  
                   inmates who had been rioting and were acting violently, in close  
                   proximity to Plaintiff, a non-violent offender, with nothing but a  
                   fence separating them, and then left the groups of inmates alone  
                   without monitoring or supervision, despite knowing or having

1 reason to know that this would immediately place Plaintiff's life  
2 in immediate danger; and/or

3 c. Defendants ANTHONY J. LASCANO (#531103), JI Y. YU  
4 (#470249), CHRIS Y. LEE (#623671), and ROBERT SAKO  
5 (#636469) intentionally and with deliberate indifference to  
6 Plaintiff's life permitted inmates to assault Plaintiff for  
7 approximately 10-20 minutes without intervening, despite  
8 knowing or having reason to know that this would immediately  
9 place Plaintiff's life in immediate danger; and/or

10 d. DOE DEFENDANTS 1-3 negligently staffed and trained jail  
11 personnel at Los Angeles County jail facilities in such a manner  
12 that allowed for unmonitored and unsupervised inmate-on-inmate  
13 violence on September 30, 2017, that could have been easily been  
14 avoided by personnel staffing and training decisions. These  
15 staffing and training decisions completely ignored industry  
16 standards in said staffing and training and informed, or should  
17 have informed DOE DEFENDANTS 1-3 that their decisions  
18 would put persons like Plaintiff in immediate danger to his health  
19 and safety; and/or

20 e. DOE DEFENDANTS 26-50 intentionally and/or with deliberate  
21 indifference ignored Plaintiff's obvious need of medical  
22 assistance, care and treatment and allowed Plaintiff to go untreated  
23 so as to knowingly or recklessly cause his injuries.

24 51. In this manner, Defendants ANTHONY J. LASCANO (#531103), JI Y.  
25 YU (#470249), CHRIS Y. LEE (#623671), ROBERT SAKO (#636469), and DOE  
26 DEFENDANTS 26-50, under color of law, failed to protect Plaintiff's life, health and  
27 safety, to which protection Plaintiff had a constitutional right, and thereby caused  
28 Plaintiff's physical injuries resulting in his present physical state. DEFENDANTS

1 acted as they did in part because they knew or were otherwise aware that they would  
2 receive no discipline or punishment for their conduct and that their constitutionally  
3 violative conduct would otherwise be ratified and/or condoned by their superiors,  
4 including DOE DEFENDANTS 1-3.

5       52. As a proximate result of the aforementioned acts and omissions of said  
6 Defendants and each of them, Plaintiff suffered injuries including the injuries  
7 attendant to the assault as well as permanent disfigurement of his right arm,  
8 neuropathy, pain, and lack of mobility and ability to use his right hand, tingling and  
9 numbness, and mental and emotional harm all to his damages in an amount to be  
10 proven at trial.

11       53. The aforementioned acts by or omissions of the said individual  
12 Defendants ANTHONY J. LASCANO (#531103), JI Y. YU (#470249), CHRIS Y.  
13 LEE (#623671), ROBERT SAKO (#636469), and DOE DEFENDANTS 1-3, 26-50  
14 and each of them were willful, wanton, malicious and oppressive, done with a  
15 conscious disregard for the rights of Plaintiff and constitute the type of despicable  
16 conduct that no civilized society should be forced to endure, and this conduct justifies  
17 the awarding of exemplary and punitive damages against said individual  
18 DEFENDANTS. This is especially true in light of the fact that Defendants knew or  
19 had reason to know of the inevitable results their misconduct would lead to.

20

## 21                   SECOND CAUSE OF ACTION

22                   **FAILURE TO INTERVENE – 42 U.S.C. § 1983**  
23                   **DEFENDANTS ANTHONY J. LASCANO (#531103), JI Y. YU (#470249),**  
24                   **CHRIS Y. LEE (#623671), ROBERT SAKO (#636469), AND DOE**  
25                   **DEFENDANTS 26-50**

26       54. PLAINTIFF repeats and re-alleges each and every allegation contained  
27 above as though fully set forth herein.

28       55. At all times relevant herein during all the failures and omissions relevant  
29 to Plaintiff's injuries, Defendants ANTHONY J. LASCANO (#531103), JI Y. YU

1 (#470249), CHRIS Y. LEE (#623671), ROBERT SAKO (#636469), and DOE  
 2 DEFENDANTS 26-50, were present at MCJ and were charged with the Constitutional  
 3 duties of protection of Plaintiff and were charged with the duty to not knowingly or  
 4 with wanton disregard, cause his life, health and safety to be placed in danger by  
 5 intentionally and deliberately ignoring the known dangers to Plaintiff that their  
 6 actions and/or omissions placed him in.

7       56. Defendants ANTHONY J. LASCANO (#531103), JI Y. YU (#470249),  
 8 CHRIS Y. LEE (#623671), ROBERT SAKO (#636469), and DOE DEFENDANTS  
 9 26-50 were all in the position and authority to lawfully intervene in and prevent the  
 10 unjustified and unwarranted exposure of Plaintiff to the life-threatening incarceration,  
 11 physical, and medical conditions, which ultimately caused Plaintiff to suffer the  
 12 injuries as alleged herein.

13       57. Each said Defendant had ample and reasonably sufficient time and  
 14 opportunity to so intervene and prevent Plaintiff's injuries, and was compelled to do  
 15 so as a Sheriff's Deputy or employee under the laws of the State of California and  
 16 under the Constitution of the United States of America.

17       58. In deliberate indifference to the life and welfare of Plaintiff, each said  
 18 Defendant intentionally and with deliberate indifference to the civil rights of Plaintiff,  
 19 refrained from intervening in the acts leading to Plaintiff's injuries.

20       59. As a result thereof, Plaintiff was unjustifiably, purposely, or recklessly  
 21 and wantonly exposed to receiving the injuries he received at the hands of other  
 22 inmates and ignored when he clearly was in need of medical treatment by said  
 23 Defendants as alleged in the First Cause of action in violation of his rights under the  
 24 Fourteenth Amendment of the Constitution of the United States of America.

25       60. The acts and omissions constituting this cause of action were purposeful,  
 26 malicious, and reckless and wanton so as to justify the imposition of punitive damages  
 27 on these Defendants in their individual capacity.

28

## **THIRD CAUSE OF ACTION**

**FAILURE TO TRAIN AND FAILURE TO SUPERVISE CAUSING  
CONSTITUTIONAL VIOLATION – 42 U.S.C. § 1983  
DOE DEFENDANTS 1-3**

61. PLAINTIFF repeats and re-alleges each and every allegation contained above as though fully set forth herein.

6       62. Since on or about 1990 and at all relevant times mentioned in this  
7 Complaint, the COUNTY Board of Supervisors established and maintained an  
8 oversight and supervisorial role over the conduct of the Sheriff as it pertained to  
9 controlling the Sheriff's running of various aspects of the LASD. These activities  
10 theretofore had resulted in the deprivation of the constitutional rights of the citizens  
11 of the COUNTY, including inmates at COUNTY's jail facilities such as MCJ. The  
12 Board's supervisorial, oversight, and auditing reach included by mutual consent of  
13 the Board and the Sheriff and the LASD certain aspects of the Sheriff's conduct,  
14 duties and policies. These included among other things, all aspects of the Sheriff's  
15 duties which were managerial, administrative or procedural, rather than those duties  
16 which were prosecutorial or enforcement in character.

17       63. Among the activities of the COUNTY Sheriff over which the Board of  
18 Supervisors has established legal and accepted review, supervision and control as of  
19 1991 and through the relevant dates of this Complaint, are “the policies, practices and  
20 procedures of the LASD, including recruitment, training, job performance and  
21 evaluation, record keeping and management practices,” as they relate to conduct  
22 which subjects citizens of the COUNTY, including inmates in custody at COUNTY  
23 jail facilities to the custody and control of the COUNTY Sheriff and his subordinates.

24        64. At all times since 1991 including the relevant dates of this Complaint,  
25 the Sheriff and more particularly, DOE DEFENDANTS 1-3, orally and/or by custom  
26 and practice, have acceded, agreed, consented to, admitted the existence of and/or  
27 otherwise submitted themselves and the LASD and its operation of MCJ to the  
28 authority of the COUNTY Board of Supervisors as it pertains to the aforementioned

1 oversight, supervision, audit, review and control.

2       65. In so doing, the Sheriff has admitted and is therefore presently legally  
3 estopped from asserting otherwise, that the conduct and activities in the COUNTY's  
4 MCJ facilities, over which the COUNTY Board of Supervisors presently exercises  
5 such oversight, control, supervision and authority, are administrative and procedural  
6 and, being administrative and procedural rather than enforcement and prosecutorial  
7 in nature, place them and the Sheriff's department within the legal jurisdiction of the  
8 COUNTY as COUNTY Officers, and that in carrying out these extrajudicial actions,  
9 the Sheriff and the LASD are not implementing State enforcement or prosecutorial  
10 functions outside of the COUNTY Board's authority.

11       66. The COUNTY Board of Supervisors and the Sheriff have, further, by  
12 agreement, contract, conduct and fiscal necessity, recognized that all arbitrary,  
13 capricious, malevolent, reckless and intentionally harmful conduct of the Sheriff or  
14 the LASD which is in no way a part of the punishment explicitly and specifically  
15 prescribed by State law or necessary to impose the punishments prescribed by State  
16 law, is not classifiable as an "enforcement" function or a prosecutorial function, but  
17 is a procedural or administrative solution to problems of custody, well within the  
18 authority of the COUNTY to supervise and control as COUNTY functions and within  
19 the Sheriff's conduct as a COUNTY official. The LASD, by and through Defendant  
20 BACA'S predecessor, in its response to the Koltz report, explicitly acknowledged the  
21 right of the COUNTY Board of Supervisors to oversee, review, and audit such  
22 extrajudicial conduct.

23       67. The policies of refusing to protect inmates from known dangers, of using  
24 excessive and unnecessary force on inmates, and the policy of failing to provide  
25 necessary medical care to an inmate in custody at MCJ does not implement a  
26 punishment imposed by State law nor is it required to enforce the punishments  
27 actually required by State law.

28       68. The actual policies cited herein and the training of jail personnel to

1 enforce these policies, each being a policy implementing punishments imposed by the  
 2 Sheriff without an order or requirement to impose such punishments under state law,  
 3 and which remain under the supervisorial umbrella of the COUNTY Board of  
 4 Supervisors by Sheriff department concession therefore, represent purely COUNTY  
 5 functions of the Sheriff as a COUNTY officer and have been deemed and treated as  
 6 such by the COUNTY Board of Supervisors and the COUNTY Sheriff through their  
 7 mutual agreement, consent, assent, custom and practice as alleged above because:

- 8           a. they represent implementation of COUNTY administrative and  
              procedural policy;
- 9           b. they are a series of rules imposing punishments unrelated to the  
              actual punishments imposed by State law or to actions required to  
              enforce the punishments required by State law; and
- 10          c. they are all applied to custodial jail functions, over which the Los  
              Angeles Board of Supervisors, as acknowledged by the LASD in  
              its reply to the Koltz report already has powers to monitor, audit  
              and intervene and which therefore are by definition COUNTY  
              actions.

11          69. At all relevant times, DOE DEFENDANTS 1-3 each knew or should  
 12 have known of acts of the nature complained of herein occurring at the COUNTY  
 13 JAIL came about as a means, method, practice, policy, or custom of: (1) not providing  
 14 care to inmates; and (2) knowingly and maliciously failing to protect inmates from  
 15 known deadly dangers to their life and health. Said defendants knew or in the exercise  
 16 of reasonable care should have known the practice by their employees including  
 17 Defendants ANTHONY J. LASCANO (#531103), JI Y. YU (#470249), CHRIS Y.  
 18 LEE (#623671), ROBERT SAKO (#636469), and DOE DEFENDANTS 26-50 of the  
 19 arbitrary denial of medical care and failure to protect inmates caused the failure of  
 20 said individual Defendants herein to monitor and protect Plaintiff from an imminently  
 21 dangerous encounter with violent inmates, and their failure to timely summon and  
 22

1 provide necessary medical treatment to Plaintiff. DOE DEFENDANTS 1-3,  
 2 however, consciously disregarded this knowledge, failed to adequately investigate or  
 3 discover or discipline and correct such actions or practices, thereby causing the  
 4 violation of Plaintiff's Constitutional Rights as described herein.

5       70. Prior to the incident alleged herein, COUNTY deputies and jailers,  
 6 including Defendants ANTHONY J. LASCANO (#531103), JI Y. YU (#470249),  
 7 CHRIS Y. LEE (#623671), ROBERT SAKO (#636469), and DOE DEFENDANTS  
 8 26-50, in the course and scope of their employment with COUNTY and the LASD,  
 9 facilitated, permitted, ratified and condoned similar acts of failing to provide  
 10 necessary care to sick inmates, and were deliberately indifferent to the health safety  
 11 of inmates like Plaintiff. DOE DEFENDANTS 1-3 knew or in the exercise of  
 12 reasonable care should have known of this practice, pattern, or policy of institutional  
 13 violations, and additionally, of the existence of facts and situations which created the  
 14 potential of unconstitutional acts, and said Defendants had a duty to instruct, train,  
 15 supervise and discipline their subordinates to prevent similar acts to other persons,  
 16 but failed to take action to properly train, instruct, supervise, or discipline Sheriff's  
 17 deputies, jailers or other employees, including Defendants ANTHONY J. LASCANO  
 18 (#531103), JI Y. YU (#470249), CHRIS Y. LEE (#623671), ROBERT SAKO  
 19 (#636469), and DOE DEFENDANTS 26-50, and as a result, Plaintiff was allowed  
 20 and/or caused to suffer his injuries as alleged in this Complaint.

21       71. At all times mentioned herein and prior thereto, DOE DEFENDANTS  
 22 1-3 had the duty to train, instruct, supervise and discipline LASD Custody Officers  
 23 and Employees, including Defendants ANTHONY J. LASCANO (#531103), JI Y.  
 24 YU (#470249), CHRIS Y. LEE (#623671), ROBERT SAKO (#636469), and DOE  
 25 DEFENDANTS 26-50, to ensure they respected and did not violate Federal  
 26 Constitutional and statutory rights of and prisoners and to objectively investigate  
 27 violations of said prisoners' rights; among these rights being:

28           a. the right to be safe and protected from injury while in Defendants'

1 custody;

2 b. the right to be protected by the deputies while under their control;  
3 and

4 c. the right to receive medically necessary care.

5 72. DOE DEFENDANTS 1-3 breached said duties by failing to train,  
6 instruct, supervise, or discipline their deputy sheriffs, including Defendants  
7 ANTHONY J. LASCANO (#531103), JI Y. YU (#470249), CHRIS Y. LEE  
8 (#623671), ROBERT SAKO (#636469), and DOE DEFENDANTS 26-50, on the  
9 violation of Plaintiff's and other prisoners' constitutional rights, as alleged herein.

10 73. The conduct of said Defendants has been ratified, authorized or  
11 otherwise condoned by each of them in their official and individual capacities.

12

#### 13 **FOURTH CAUSE OF ACTION**

14 **VIOLATION OF CIVIL RIGHTS – *MONELL* – 42 U.S.C. § 1983**  
15 **DEFENDANT COUNTY OF LOS ANGELES**

16 74. PLAINTIFF repeats and re-alleges each and every allegation contained  
17 above as though fully set forth herein.

18 75. Defendant COUNTY, through Defendants ANTHONY J. LASCANO  
19 (#531103), JI Y. YU (#470249), CHRIS Y. LEE (#623671), ROBERT SAKO  
20 (#636469), and DOE DEFENDANTS 1-3, 26-50, its administrators and decision  
21 makers, knowingly, recklessly, and with reckless disregard for the health and safety  
22 of prisoners, including Plaintiff, promulgated, created, maintained, ratified, condoned  
23 and enforced a series of policies, procedures, customs and practices which authorized  
24 the arbitrary denial of constitutional protections to inmates and detainees at MCJ,  
25 including, but not limited to, purposely, wantonly, and recklessly or with deliberate  
26 indifference refusing to summon and timely provide necessary medical care to  
27 inmates, housing inmates in such a way as to cause and allow them to be attacked by  
28 other inmates, and willfully failing to monitor and protect non-violent inmates from

1 violent inmates. In accordance to the above series of policies, procedures, customs  
 2 and practices, the following actions including those alleged above, were taken  
 3 regarding the treatment of Plaintiff.

4       76. Defendant COUNTY was further on notice of their wrongful policies by  
 5 virtue of the Government Claims filed with the County over the last several year  
 6 arising from deaths and injuries to prisoners resulting from said policies.

7       77. Defendant COUNTY was further on notice of their wrongful policies by  
 8 virtue of the September, 2012, Report by the Citizens' Commission on Jail Violence  
 9 which set forth in comprehensive detail a history in the LASD of the leadership's  
 10 failure to respond to recommendations made to improve the Department's treatment  
 11 of inmates at COUNTY jails, stating, "At a fundamental level, the failure to heed  
 12 recommendations made -- and advanced repeatedly over time -- is a failure of  
 13 leadership in the Department."

14       78. These policies, procedures, customs and practices of Defendant  
 15 COUNTY as alleged above were the moving forces behind the de facto custom and  
 16 practice of permitting and condoning individual LASD deputies and employees such  
 17 as DEPUTY DEFENDANTS and medical personnel to subject inmates to physical  
 18 abuse and injury as a form of punishment and discipline as alleged above. The  
 19 custom, policy, practice and procedures described herein were a legal cause of  
 20 Plaintiff's injuries and each individual Defendant, acting in accord with this custom,  
 21 practice, policy and procedure acted with deliberate indifference to the rights of  
 22 Plaintiff. DEFENDANTS acted recklessly and intentionally, under color of law, by  
 23 showing conscious disregard for the life and safety of Plaintiff and violated Plaintiff's  
 24 Constitutional rights, and proximately caused the damages set forth in the  
 25 incorporated paragraphs, all in violation of 42. U.S.C. § 1983.

26

27

28

## **FIFTH CAUSE OF ACTION**

# NEGLIGENCE ALL DEFENDANTS

79. Except for allegations of intentional conduct, PLAINTIFF hereby repeats, re-alleges and incorporates all allegations above as though fully set forth herein.

80. Plaintiff is informed and believes and thereon alleges that during all times leading up to the injuries and before medical aid was summoned, said DEFENDANTS did negligently and without due care, fail in their duties to protect Plaintiff by exposing him to, among others, an unreasonable risk of injury at the hands of other violent inmates, and without due care, failed to timely summon medical care or take him to seek appropriate and timely medical care, diagnosis or treatment.

81. Plaintiff's injuries as alleged occurred as a result of the absence on the part of all said DEFENDANTS of due care for his safety and wellbeing and constituted an unreasonable failure of both statutory, common law, and COUNTY Jail system-imposed duties to protect Plaintiff from known and unreasonable severe risks of physical injury and impairment; and/or resulted from the unreasonable and unjustifiable failures of Defendants DOE DEFENDANTS 26-50 to summon timely and necessary medical aid or to take Plaintiff to receive medical diagnosis or medical care; all manifesting a grossly unreasonable risk of injury to Plaintiff.

82. The aforesaid conduct of said defendants, and each of them, was done in reckless, unlawful, and/or negligent manner as all defendants, and each of them, knew or should have known that of the dangers Plaintiff was exposed to, any such conduct, omissions and failures to act on their part, was likely to cause Plaintiff's injury.

83. Defendant COUNTY is liable under the principles of respondeat superior for the aforementioned acts of Defendant Deputies pursuant to California Government Code Section 815.2.

84. As a proximate result of the aforementioned acts and omissions of said

1 Defendants and each of them, Plaintiff suffered injuries including the injuries  
 2 attendant to the assault as well as permanent disfigurement of his right arm,  
 3 neuropathy, pain, and lack of mobility and ability to use his right hand, tingling and  
 4 numbness, and mental and emotional harm all to his damages in an amount to be  
 5 proven at trial.

6

7                   **SIXTH CAUSE OF ACTION**8                   **NEGLIGENCE – FAILURE TRAIN AND FAILURE TO SUPERVISE  
 COUNTY OF LOS ANGELES AND DOE DEFENDANTS 1-3**

9                 85. Except for allegations of intentional conduct, PLAINTIFF hereby  
 10 repeats, re-alleges and incorporates all allegations above as though fully set forth  
 11 herein.

12

13                 86. At all times alleged herein, Defendant COUNTY and DOE  
 14 DEFENDANTS 1-3 failed to adequately train, supervise, discipline or in any other  
 15 way control whether or not Defendants ANTHONY J. LASCANO (#531103), JI Y.  
 16 YU (#470249), CHRIS Y. LEE (#623671), ROBERT SAKO (#636469), and DOE  
 17 DEFENDANTS 26-50 and each of them, fulfilled their Constitutional, common-law,  
 18 and judicially ordered duties to keep inmates, generally, and Plaintiff, specifically,  
 19 protected while under their sole care and custody.

20

21                 87. Defendant COUNTY and DOE DEFENDANTS 1-3 were also negligent  
 22 in failing to provide said Deputy Sheriff Defendants, and each of them, the proper and  
 23 special training necessary for the duties they could foreseeably be expected to perform  
 24 in the course of their employment in that Defendants ANTHONY J. LASCANO  
 25 (#531103), JI Y. YU (#470249), CHRIS Y. LEE (#623671), ROBERT SAKO  
 26 (#636469), and DOE DEFENDANTS 26-50 received inadequate training in the  
 27 proper use of protective measures to employ which should have been employed in the  
 28 factual scenario which underlies Plaintiff's injuries which now underlies this lawsuit.

29

30                 88. As a proximate result of the aforementioned acts and omissions of said

1 Defendants and each of them, Plaintiff suffered injuries including the injuries  
2 attendant to the assault as well as permanent disfigurement of his right arm,  
3 neuropathy, pain, and lack of mobility and ability to use his right hand, tingling and  
4 numbness, and mental and emotional harm all to his damages in an amount to be  
5 proven at trial.

6 **VI.  
7 PRAYER**

8 Wherefore PLAINTIFF prays for judgment as follows:

9 1. For general damages, past, present and future as proven at trial;  
10 2. For medical expenses, past, present and future as proven at trial;  
11 3. For costs of litigation;  
12 4. For exemplary damages as against those individuals where alleged;  
13 5. For reasonable attorney's fees pursuant to 42 U.S.C. § 1988 as to those  
causes of action brought under 42 U.S.C. § 1983; and  
14 6. For such other and further relief as the Court may deem just and proper.

15  
16 DATED: November 15, 2019 BOUCHER LLP  
17

18 By:  
19



20 RAYMOND P. BOUCHER  
21 HERMEZ MORENO  
22 BRIAN M. BUSH  
23 Attorneys for Plaintiff Roland Vaughan  
24  
25  
26  
27  
28

**VII.  
JURY DEMAND**

Plaintiff respectfully demands that the present matter be set for a jury trial.

DATED: November 15, 2019 BOUCHER LLP

By:

RAYMOND P. BOUCHER

HERMÉZ MORENO

BRIAN M. BUSH

Attorneys for Plaintiff Roland Vaughan